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CPA \$

PATENT

1600  
#24  
10-22-02  
P.2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of  
Sallberg et al.

For: **COMPOSITIONS AND METHODS  
FOR TREATING  
INTRACELLULAR DISEASES**

Serial No.: 09/466,035

Filed: December 17, 1999

Atty. Dkt No.: 1231-104 (2300-1231.01)

) Examiner: P. Paras, Jr.

) Group Art Unit: 1635

) Confirmation No.: 9697

) **CONTINUED PROSECUTION**  
) **APPLICATION UNDER 37 CFR §1.53(d)**

RECEIVED

OCT 17 2002

TECH CENTER 1600/2900

Express Mail Label No. EV 203 309 233 US  
Mailed in Menlo Park, CA on October 19 2002

BOX CPA  
Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

This is a request for filing a continuation application under the Continued Prosecution Application Procedure, 37 C.F.R. §1.53(d), of the above-identified application.

It is understood that secrecy under 37 U.S.C. §122 is hereby waived to the extent that if information or access is available to any one of the applications in the file jacket of a 37 C.F.R. §1.53(d) application, be it either the application or a prior application in the same file jacket, the PTO may provide similar information or access to all the other applications in the same file jacket.

1. This application discloses and claims only subject matter disclosed in the prior application whose particulars are set out above. With respect to the prior application from which the present application claims benefit under 35 U.S.C. §120, the inventor(s) in this application is/are:

/ X / the same.

/      / less than those in prior application. It is hereby requested that the following inventors be deleted: \_\_\_\_\_

10/16/2002 AMONDAF1 00000140 09466035

01 FC:1006  
02 FC:1202  
03 FC:1254

740.00 OP  
90.00 OP  
1440.00 OP

2. The names and current address(es) of the inventor(s) as originally filed is/are:

Matti Sallberg  
Fatburskvarng 1#, S-118 64,  
Stockholm, Sweden

William T. L. Lee  
7961 Calle Posada  
Carlsbad, CA 92009

David R. Milich  
25048 Oakana Road  
Ramona, CA 92065

3. The inventorship for all the claims in this application is:

/ X / the same.

/ \_\_\_\_ / not the same, and an explanation, including the ownership of the various claims at the time the last claimed invention was made, is submitted.

4. / \_\_\_\_ / Applicant(s) is a small entity:

/ \_\_\_\_ / small entity status established in prior application.

/ \_\_\_\_ / small entity statement attached.

5. The filing fees are to be calculated on the claims pending in the application and the claims remaining as a result of:

/ X / the attached Preliminary Amendment.

/ X / the unentered amendment filed pursuant to 37 C.F.R. §1.116 in the application, and which Applicants now request be entered.

/ \_\_\_\_ / the claims allowed in the notice of allowance mailed \_\_\_\_\_.

#### FILING FEE CALCULATION

|                    | Fee Code    | Claims | Extra | Rate | Amount |
|--------------------|-------------|--------|-------|------|--------|
| Basic Fee          | <b>1006</b> |        |       |      | \$ 740 |
| Independent Claims | 1201        | 2 – 3= | 0 x   | \$42 | 0      |
| Total Claims       | <b>1202</b> | 25-20= | 5 x   | \$18 | \$ 90  |

Additional Claims Fee ..... \$ 830

6. Applicants hereby request an extension of time

for 4 months from 6/22/02 to 10/22/02. Fee Code 1254..... \$1,440

**Total Fees Due.....\$2,270**

7. / X / Enclosed is a check in the amount of \$2,270.

8. / X / The Commissioner is hereby authorized to charge any additional fees and to credit any overpayment of fees which may be required under 37 CFR §1.16 and §1.17, and §1.21 to Deposit Account No. 18-1648, referencing Atty. Docket No. 1231.104 (2300-1231.01).

9. The application is assigned of record to: Chiron Corporation

10. The power of attorney in the application is to: Dahna S. Pasternak.

/      / The power appears in the original papers in the application.

/      / The power does not appear in the original papers, but was filed on:

\_\_\_\_\_.

/ X / A Revocation of Prior Power and New Power of Attorney has been executed and is attached.

11. Address all future communications to:

Anne S. Dollard, Esq.  
Chiron Corporation  
Intellectual Property - R440  
P.O. Box 8097  
Emeryville, CA 94662-8097

12. Other documents enclosed herewith:

/ X / Preliminary Amendment and Information Disclosure Statement;

/ X / Copies of forms PTO-892 and PTO-1449 from the prior application.

/ X / Power of Attorney and Revocation of Prior Powers;

/ X / Return Receipt Postcard.

Respectfully submitted,

By: 

Dahna S. Pasternak  
Attorney for Applicants  
Registration No. 41,411

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